Minn. 272, 79 N. W. 1013; *Wharton* v. *Winch,* 140 N. Y. 287, 35 N. E. 589; *Bethel & Co.* v. *Salem Improvement Co.,* 93 Va. 354, 57 Am. St. Rep. 808, 33 L. R. A. 602, 25 S. E. 304. The third group includes a few cases which go one step further and hold that such failure to pay gives the opposite party the right to abandon and to recover for the part performed at the contract rate without reference to its reasonable value.. *Eastern Arkansas Hedge Fence Co.* v. *Tanner,* 67 Ark. 156, 53 S. W. 886; *Bean* v. *Miller,* 69 Mo. 384.

COURTS—JURISDICTION OF CIRCUIT COURT—ENJOINING WRIT OF ERROR.—The United States instituted a proceeding in a Circuit Court of the United States for the condemnation of certain real estate of the defendant, Macrum; there was a jury trial which resulted in a verdict in favor of said Macrum. From a judgment entered upon this verdict, the defendant sued out a writ of error, whereupon the United States filed a bill in the same court, sitting in equity, alleging that the defendant, for the purpose of injuring the complainant, was endeavoring to review the former proceedings by a writ of error, and praying that a temporary injunction be granted to restrain the prosecution of such appeal. *Held,* that a Circuit Court of the United States, sitting in equity, has no authority to enjoin a party to a judgment rendered on its law side from suing out a writ of error from an appellate court to review said judgment. *Macrum et al.* v. *United States* (1907), — C. C. A. 3rd Circ. —, 154 Fed. Rep. 653.

There are many cases reported in which one court has made an unsuccessful attempt to enjoin appeals from the judgment of another, but an extended examination of the authorities has failed to disclose any other case in which a court has attempted to enjoin an appeal from its own judgment. The ruling of the Circuit Court granting the relief sought is apparently without precedent, while the decision of the Court of Appeals in dismissing the bill is supported by numerous cases. Thus the courts of the several states have uniformly held that a party will not be enjoined from prosecuting an appeal from a judgment on any ground that might avail him in the appellate court. *State* v. *Jacksonville, etc., Railroad Co.,* 15 Fla. 210; *Ford* v. *Weir,* 24 Miss. 563; *Kilmer* v. *Bradley,* 45 N. Y. Supr. Ct. 585; *Perkins* v. *Woodfolk,* 8 Baxt. 411; *Lopez* v. *Rodriguez,* 3 Tex. App. Civ. Cas., § 112. Furthermore, an injunction from a state court is inoperative in any manner to affect proceedings in federal courts. *Weber* v. *Lee Co.,* 73 U. S. 210; *United States* v. *Council of Keokuk,* 73 U. S. 514; *Riggs* v. *Johnson Co.,* 73 U. S. 166; *Supervisors* v. *Durant,* 76 U. S. 415; *Duncan* v. *Darst,* 42 U. S. 301. Nor will a federal court restrain proceedings of state courts. *Dial* v. *Reynolds,* 96 U. S. 340, and cases there cited. The decision in the principal case rests upon the proposition that the right of appeal from a lower court to one of appellate jurisdiction is an absolute right, and that the lower court has no authority to disallow such an appeal nor to attempt to determine whether any particular case is one in which an appeal lies. In support of this position see *Pullman's Palace Car Co.* v. *Central Transportation Co.* (C. C.), 71 Fed. 809; *Louisville Trust Co.* v. *Stockton,* 18 C. C. A. 408, 72 Fed. 1; *Ex parte Virginia Commissioners,* 112 U. S. 177; *Davidson* v. *Lanier,* 4 Wall. 453; *State* v. *Farlee,* 1 N. J. Law (Coxe) 96; *Hood* v. *New York, etc., Co.,* 23 Conn. 609.